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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 351 OF 2015

Mr. Anuj Jitendra Mehta Applicant

Versus

State of Maharashtra and another ... Respondents

Mr. Harshad Ponda alongwith Mr. Pranav Badheka i/by Prashant Pawar and Vishnu Chavan for the applicant.

Mr. Ajay Patil, A.P.P. for the State.

**CORAM : M.L. TAHALIYANI, J.
DATED : APRIL 23, 2015**

P.C.

Admit. Heard finally.

2. Heard learned counsel for the applicant and learned A.P.P. for the State. Perused the orders passed by the learned Additional Chief Metropolitan Magistrate on 7th May, 2014 and 11th June, 2014. These orders have been passed after the order of the Sessions Court in Anticipatory Bail Application No. 894 of 2014. The final order of the learned Additional Sessions Judge reads as under :

“1. Applicant No. 1 Anuj Jitendra Mehta, Applicant no. 2 Hemal Shah, Applicant No. 3 Bharat Ladhani, Applicant No. 4 Amit Shah, Applicant no. 5, Subodh Shah, Applicant no. 6 Rakesh Shah, Applicant no. 7 Ketan Shah, Applicant No. 8 Kishan Poddar and Applicant No. 9 Vinit Kedia be released on bail on execution of PR bond of Rs.25,000/- each with

one or two sureties each in the like amount in the event of arrest of applicants in CR No. 49 of 2013 of Economic Offence Wing, Unit – III, Mumbai of the offences punishable under sections 419, 420, 463, 465, 467, 468, 471 read with section 120-B of the IPC.

2. Applicants shall not tamper with the prosecution evidence or witnesses in any manner.

3. Applicants shall not involved in any other criminal activities.

4. Breach of any of the above conditions will amount to cancellation of anticipatory bail granted to the applicant.

5. Inform concerned police station accordingly.

6. ABA No. 894 of 2014 is disposed of accordingly.

7. R & P be sent back to record department.”

3. Learned Additional Chief Metropolitan Magistrate has added something to the order passed by the learned Additional Sessions Judge. In my opinion, learned Additional Chief Metropolitan Magistrate had no authority to add to or delete anything from the order of the Additional Sessions Judge. He was under the obligation to abide by the order of the learned Additional Sessions Judge. Therefore both the orders passed by the learned Additional Chief Metropolitan Magistrate are without any authority of law. The order dated 7th may, 2014 directing the applicant to surrender passport and order dated 11th June, 2014 directing the applicant not to leave India without prior permission from the court are set aside. Learned Magistrate shall follow the order of the learned Additional Sessions Judge.

Application stands disposed of accordingly.

(JUDGE)